Spalding County – Jury Trial Reopening Plan CLERK SUPERADOR State of Georgia SPALDING COUNTY State of Georgia **Griffin Judicial Circuit** Effective 3.9-2021

2021 MAR - 9 P 4: 45

**This Plan shall be filed with the Clerk of Court and shall be made available to the public ** ERK

In accordance with the Guidance for Resuming Jury Trials, released by the Supreme Court, a committee of judicial system participants was held on September 30, 2020 and December 2, 2020 and the following plan was created for resuming jury trials.

Exhibits A, B and C to this Reopening Plan shall be mailed to prospective grand and trial jurors with their subpoena. Exhibits D and E to this Reopening Plan shall be utilized by the Clerk's Office for pre-screening of both grand and trial jurors.

Courthouse Preparation and Sanitation

- 1. The county will ensure that the cleaning policy is adequate for when the courthouse and courtroom are reopened for jury trial.
- 2. The county has purchased an antibacterial atomizer for use at the courthouse.
- 3. The atomizer will be operated by those individuals identified by the county.
- 4. During jury empaneling, the atomizer will be operated after each panel is dismissed in all locations used by potential jurors, including jury assembly rooms, courtrooms, lobbies, elevators, stairwells, and restrooms.
- 5. Once a jury is empaneled and the jury trial has begun, the atomizer will be used all locations used by jurors, trial participants, and the public, including jury assembly rooms, courtrooms, lobbies, elevators, stairwells and restrooms at the conclusion of each trial day, or in the morning before court resumes.
- 6. The county will ensure that the air filtration system is upgraded to the maximum capacity air filter available for the system.
- 7. At the conclusion of each trial, all areas will be deep cleaned.
- 8. All restrooms will be cleaned and disinfected after breaks in the proceedings, including restrooms available to the jurors, public and trial participants. Disinfectant products will remain in the restrooms for use.
- 9. Mask and face covering and social distancing protocols will be posted prominently around the courthouse.

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- 10. Social distancing directional markers have been placed or will be placed around the courthouse, with specific focus on entryways to the courthouse, courtrooms and restrooms, elevators and stairwells.
- 11. The county has placed or will place hand sanitizer dispensers at courthouse entrances, near security checkpoints, and in every room where trial participants or the public will be present.
- 12. Plexi-glass barriers have been or will be installed between court personnel, witnesses, and trial participants.
- 13. Where possible, doors will be held open by door stoppers or court personnel as jury panels and trial participants are entering and exiting rooms to avoid individuals touching door handles.
- 14. Disinfectant products will be provided for the jury and in the restrooms.
- 15. Face masks will be provided for any trial participant who does not have one.
- 16. Face shields will be available for use, where necessary.
- 17. Court security will monitor the number of individuals using elevators to ensure that individuals are able to socially distance within the elevator (2 person maximum).
- 18. In the event a trial participant tests positive for COVID-19, has a recent exposure to COVID-19, or is experiencing new symptoms of COVID-19, that individual shall contact a deputy or a Clerk. A form will be completed by the individual receiving the report that includes the individual's name and contact information. The contact form will be provided to the Clerk and to the presiding Judge. The Judge shall determine the status of that individual's participation and the status of the trial, in accordance with the guidelines. The Clerk shall notify the Department of Health.

Courtroom

- 1. Markers or tape have been placed to delineate proper socially distanced seating in the courtroom for the jurors and the public.
- 2. The courtroom has dedicated, socially distanced seating for the defendant's family, victim, victim's family, general public, and media, if necessary.
- 3. At the start of each trial session, it will be confirmed that each juror, party and counsel can see and hear the proceedings from their place in the courtroom, using digital devices, where necessary and available. The standard courtrooms are of insufficient size to socially

- distance with a jury of 12 or more. Jury trials with 12 or more jurors will be conducted in the jury assembly room.
- 4. Where necessary, additional monitors will be added throughout the courtroom to allow all trial participants to see witnesses and evidence.
- 5. The HVAC system shall be adjusted during trials to allow the maximum entry of outside air possible while maintaining appropriate temperature.

Security

- 1. A screening plan has been created with the assistance of courthouse security and law enforcement. The screening plan includes temperature checks and COVID-19 screening questions to be conducted. Where possible, the screening will occur outside, prior to entry to the courthouse.
- 2. Additional deputies will be provided for jury management, transport of in-custody defendants and in-court witnesses.
- 3. In the event a trial participant cannot wear a mask or refuses to wear a mask, courtroom security shall complete the contact form and notify the Clerk and the presiding Judge. The Judge shall determine the status of that individual's participation and the status of the trial, in accordance with the guidelines.
- 4. All trial participants will be placed in a way that allows courtroom security access to the courtroom.

Jury Trial Scheduling

- 1. Fewer cases shall be scheduled for a given trial term, giving consideration to the capacity guidelines for the courthouse. No more than 3 cases shall be called to trial at a given time. All other cases shall remain "on call."
- 2. A master calendar for all judges in the courthouse will be prepared to avoid scheduling conflicts.
- 3. Judges will cooperate with one another to restrict and/or limit other in-person court calendars during jury selection and jury trials to limit the number of individuals entering the courthouse. This includes coordination with Superior, State, Magistrate and Juvenile Courts, where necessary.
- 4. Pre-trial conferences and calendar calls will be conducted via virtual means, or otherwise at the discretion of the presiding judge. At the pre-trial conference, all pending motions

and pre-trial issues will be discussed, and a motions hearing will be set for all pre-trial motions to be heard prior to the start of jury selection.

Summoning the Jury

- 1. More jurors will be summoned in anticipation that more prospective jurors will be needed to seat a jury.
- 2. Summons will be sent earlier than normal to ensure that jury questionnaires are received and requests for excusals and deferments are timely reviewed.
- 3. A notice will accompany summons that identifies the specific steps taken by the court to ensure safety and compliance with CDC guidelines.
- 4. A jury questionnaire will be sent with all summons, with instructions for the prospective juror to return the questionnaire to the Clerk. The questionnaire shall include the address, phone number and email of the Clerk. The questionnaire will include COVID-19 screening questions.
- 5. The Clerk shall follow up with each prospective juror with regard to COVID-19 screening via telephone.
- 6. Requests for excusal or deferment shall be at the discretion of the presiding Judge. The review of these requests shall occur without the potential juror appearing at the courthouse but can include a virtual interview of the potential juror by the presiding Judge.
- 7. The Clerk shall place jurors "on call" for their service during the trial term.

Jury Selection

- 1. At least one full day will be dedicated for the selection of a jury.
- 2. Jurors will be summoned in panels of no more than twelve (12) at staggered times throughout the day, with consideration to any other jury trials or bench trial calendars scheduled for that day.
- 3. If a potential juror arrives prior to their dedicated arrival time, they will be instructed to wait outside or in their personal vehicle with cellular phone access until their time of arrival.
- 4. After check-in, jurors will be sent directly to the room designated for jury selection.
- 5. Jury selection shall occur in the courtroom gallery, jury assembly room or other available room large enough to accommodate panels of twelve (12) with appropriate social distancing.

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- 6. A minimum of two alternate jurors will be selected with each felony jury.
- 7. When answering voir dire questions, potential jurors shall use face shields or be spaced with enough social distancing of at least 10 feet or more, to allow removal of masks while speaking.
- 8. Counsel will use separate tables or microphones while questioning jurors. In the event separate tables or microphones are not available, the tables and microphones will be disinfected after each person has questioned the potential jurors. Disposable microphone covers will be utilized, where available.
- Where a potential juror cannot be heard by counsel, a microphone shall be provided to the
 potential juror. Microphones will be disinfected after each juror. Disposable gloves and
 microphone covers will be utilized.
- 10. Strikes for cause shall be brought up immediately when the challenge arises, or immediately prior to the panel being excused for the next panel.
- 11. Unless specifically objected to by a party, striking the jury will occur outside the presence of the potential jurors, after panels are released. Jury panels can be released after questioning and the Clerk will notify the potential jurors by telephone if they have been selected or if they have been excused.
- 12. Jurors will be empaneled for up to four (4) weeks but will be instructed to report for only one (1) of the four (4) weeks.

Jury Management

- 1. The jury will be socially distanced at least six (6) feet apart throughout the courtroom utilizing the jury box, the gallery and additional seating, at the discretion of the presiding Judge.
- 2. Hand sanitizer will be provided in all locations where the jury will be located.
- 3. Jurors will be provided restrooms close to their location. These restrooms will be designated for juror use only and will be monitored by deputies. Where necessary, jurors will be released in smaller groups for restroom breaks to avoid jurors congregating outside of restrooms.
- 4. Breaks for jurors will occur in a room large enough to accommodate all jurors, plus alternates, socially distanced. The jury can be divided into smaller groups if necessary to accommodate social distancing. Additional bailiffs will be present in all locations where jurors are present.

- 5. Jurors will be encouraged to bring snacks and drinks from home.
- 6. Jurors will be provided single use notebooks and writing utensils for taking notes during the trial. At the conclusion of each day, each juror shall place their notebook and writing utensil in a large resealable bag which shall be collected by the Clerk, sanitized, and placed in the Clerk's office. At the conclusion of the trial, the used pages of the notebook will be shredded and the unused pages and writing utensils will be disposed of or taken home by the individual juror.
- 7. Seats will be assigned to jurors during the trial and jurors will be instructed to sit only in their assigned seat.

Conducting the Trial

- 1. All trial participants, including all jurors, will be screened and asked COVID-19 questions prior to entering the courthouse each time they enter.
- 2. In the event a trial participant fails the screening by courthouse security, a form will be completed by security that includes the individual's name and contact information. The individual will be instructed to wait in their vehicle or outside until further instruction. The contact form will be provided to the Clerk and to the presiding Judge. The Judge shall determine the status of that individual's participation and the status of the trial, in accordance with the guidelines. The Clerk shall notify the Department of Health.
- 3. If no witness room allowing social distancing is available, trial witnesses will be encouraged to remain outside or in their personal vehicles with cellular phone access until they are called to testify.
- 4. Witnesses will be placed behind plexi-glass and will be permitted to remove their face masks while testifying, if necessary to understand them.
- Counsel are encouraged to stipulate as to authenticity and admissibility of exhibits prior to trial. Objections to evidence can be presented to the Judge at the pre-trial conference or pre-trial motions hearing.
- 6. Counsel are encouraged to utilize digital exhibits wherever feasible to reduce handing of paper or physical evidence in the courtroom. Digital exhibits will be presented to the jury via monitors located in the courtroom and/or individual devices given to the jurors.
- 7. Counsel must provide a hard copy of all digitized exhibits for the Judge and the court reporter prior to the start of the trial to reduce handling of paper in the courtroom.
- 8. In the event that exhibits must pass between trial participants, one court staff member shall be responsible for transferring the exhibits, using gloves and disinfectant.

- 9. Side bar conversations shall occur at the bench, with plexiglass between counsel and the judge and all attorneys wearing face masks. Where available, a microphone will be utilized which will transmit the content of the side bar to the Defendant and to the court reporter. If a microphone is unavailable, side bar conversations must be done outside of the presence of the jury, unless presence is waived by the Defendant.
- 10. The Court shall ensure that there is an opportunity for confidential attorney client communications. Counsel will be encouraged to use written or digital means of communication. Alternatively, the Court can take a recess to allow the attorney/client conferences outside of the presence of the jury.
- 11. If counsel uses a podium for questioning witnesses and addressing the jury, the podium and microphone will be sanitized after each use. Disposable microphone covers will be utilized where available.
- 12. Defense counsel will be provided access to incarcerated defendants beginning at least thirty (30) days prior to the start of the trial for trial preparation. This can be conducted via virtual means, where available.

Jury Deliberations

- 1. Jury deliberation shall occur in the courtroom gallery, grand jury room, jury assembly room or other room enough to accommodate twelve (12) jurors with appropriate social distancing, at the discretion of the presiding Judge. The Court shall ensure that all audio and visual equipment is turned off in the room utilized for jury deliberation. A bailiff will be placed outside every door of the room used for deliberations.
- 2. Dedicated restrooms will be available for jurors for use during deliberations.
- 3. Counsel must provide a hard copy of all digitized exhibits for the jury to review during deliberations.
- 4. Disposable gloves and hand sanitizer will be provided to the jury for the review and handling of hard copies of exhibits. One set of the hard copies will be available to the jury on a separate table with each juror reviewing the evidence individually. Entered and effective this 9 day of _______

Honorable W. Fletcher Sams

Chief Judge, Spalding County Superior Court

Griffin Judicial Circuit



W. Fletcher Sams, Judge

Superior Courts Griffin Judicial Circuit fletcher@fayettecountyga.gov

March 9, 2021

Fayette County Pike County Spalding County Upson County

The right to trial by jury is more important to the preservation of this government than is the right to vote.

~Thomas Jefferson~

Dear Potential Jurors:

Fayette County Justice Center

One Center Drive

Fayetteville, GA 30214

770-716-4282

Fax: 770-716-4862

The above sentiment was shared by many of our Founding Fathers who risked life and liberty securing our rights to jury trials and Grand Jury indictment. Patriots' blood has been shed procuring these rights which survive only with the sacrifice of citizens willing to serve. Jury service is a patriotic duty.

We are mindful, however, of the COVID-19 pandemic which has frozen jury proceedings for over a year. We must get back to work, but we will do so taking every reasonable precaution to protect your safety. Everyone entering the courthouse with be screened for COVID-19 exposure and required to wear a mask. Social distancing of six feet or more is required. Hand sanitizer stations are maintained throughout the courthouse. Courtrooms and jury rooms will be sanitized on a regular basis. Extra accommodations, such as increased social distancing, will be offered to those at high risk. Instead of in the Grand Jury room, you will meet in either the larger jury assembly room or a larger trial courtroom where there is plenty of room for increased social distancing.

Accompanying your summons is a list of legal reasons for excusal. In addition to those, we will consider excusal or accommodations for anyone with medical conditions or factors that make them "vulnerable persons". (See Questionnaire).

As soon as possible please fill out the enclosed questionnaire and return it per its instructions. We will use this information to contact and notify you of your report time and date. This will help keep attendance staggered and will enhance social distancing for your safety.

Please also note that you are required to call the number listed on the questionnaire within forty-eight hours in advance of your appearance date to confirm when and if you should appear and to confirm that you are not experiencing any symptoms of and have no known exposure to COVID-19.



Thank you in advance for your consideration and service.

CHIEF JUDGE W. FLETCHER SAMS

JUDGE SCOTT L. BALLARD

JUDGE BENJAMIN D. COKER M. prossesson

JUDGE BENJAMIN D. COKER M. prossesson

JUDGE BENJAMILLER, JR. M. prossesson

Spalding County Superior Court 132 E. Solomon Street Griffin, GA 30223

tchapman@spaldingcounty.com (770) 467-4746

GRAND JURY QUESTIONNAIRE

Please fill out this Questionnaire and deliver it by mail or e-mail to the Clerk of Court at the address listed above. It is important that this information is provided accurately and completely to the best of your ability. We will use this information to contact you to assign your specific appearance time in order to maintain social distancing.

Please note that you are required to call the number listed above within forty-eight (48) hours in advance of your appearance date to confirm when and if you should appear and to confirm that you are not experiencing any symptoms of and have no known exposure to COVID-19.

Your Name:
Cell Phone:
E-mail address:
Are you seeking to be excused? Yes No If yes, please fill out the form on the back of your summons and send it in (it does not need to be notarized).
Have you tested positive for COVID-19? Yes No
Have you recently been exposed to anyone who has tested positive to COVID-19? Yes No No If yes, when and what was the length of exposure?
Are you ill or sick in any way, or do you have any symptoms of COVID-19? Yes No
Are you a "vulnerable person" or do you provide custodial or residential care for a "vulnerable person"? ("Vulnerable persons" are defined as individuals who are over age 60, and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised by chemotherapy or other treatments or medical conditions.) Yes No
Have you received the COVID-19 vaccine? Yes No Prefer not to answer If yes, date of first shot? Date of second shot?
Are you otherwise able to serve on the Spalding County Grand Jury? Yes No If not, please explain why:
If you need help completing this form, please call the Court's representative at the number listed at the top of this form.
Signature:
Date: EXHIBIT B

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TRIAL JUROR QUESTIONNAIRE

Please fill out this Questionnaire and deliver it by mail or e-mail to the Clerk of Court at the address listed above. It is important that this information is provided accurately and completely to the best of your ability. We will use this information to contact you to assign your specific appearance time in order to maintain social distancing.

Please note that you are required to call the number listed above within forty-eight (48) hours in advance of your appearance date to confirm when and if you should appear and to confirm that you are not experiencing any symptoms of and have no known exposure to COVID-19.

Your Name:
Cell Phone:
E-mail address:
Are you seeking to be excused? Yes No If yes, please fill out the form on the back of your summons and send it in (it does not need to be notarized).
Have you tested positive for COVID-19? Yes No If yes, when?
Have you recently been exposed to anyone who has tested positive to COVID-19? Yes No If yes, when and what was the length of exposure?
Are you ill or sick in any way, or do you have any symptoms of COVID-19? Yes No
Are you a "vulnerable person" or do you provide custodial or residential care for a "vulnerable person"? ("Vulnerable persons" are defined as individuals who are over age 60, and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised by chemotherapy or other treatments or medical conditions.) Yes No
Have you received the COVID-19 vaccine? Yes No Prefer not to answer If yes, date of first shot? Date of second shot?
Are you otherwise able to serve on a Spalding County Jury? Yes No If not, please explain why:
If you need help completing this form, please call the Court's representative at the number listed at the top of this form.
Signature:
Date: EXHIBIT

CLERK - GRAND JURY SCRIPT

Date of Call: Staff Member Initials:
Confirm Name:
Confirm Phone and Email:
Are you seeking to be excused for any reason listed on the summons? Yes No
Are you seeking to be excused for reasons related to COVID? Yes No
Are you a "vulnerable person" or do you provide custodial or residential care for a "vulnerable person" Yes No
("Vulnerable persons" are defined as individuals who are over age 60, and individuals with seriou underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity asthma, and those whose immune systems are compromised by chemotherapy or other treatments o medical conditions.)
 If yes, do you wish to be excused or wish to serve on grand jury? If they want to be excused, they are excused. If they want to serve, explain safeguards and offer additional social distancing. If no, continue to additional questions.
Have you been tested positive for COVID-19 in the last 30 days? Yes No - If yes, what is the last day that you tested negative?
If you have tested positive in the last 30 days, but have not yet had a negative test, please keep the Court updated as to when you plan to take another test.
Have you been exposed to anyone who has tested positive to COVID-19 in the 14 days? Yes No
- If yes, have you been tested or had any symptoms of COVID?
Do you feel ill or sick in any way, or do you have any symptoms of COVID-19? Yes No
(Symptoms include: fever of over 100.4, dry cough, tiredness, aches and pains, sore throat, diarrhea, headache, loss of taste or smell, rash on skin, difficulty breathing or shortness of breath, chest pain or pressure, loss of speech or movement)
FXHIBIT

Have you received the O If yes, date of first shot?	OVID-19 vaccine? Ye	s No Date of	Prefer not to answer second shot?	
Do you have any quest service? If yes, explain t	ions or concerns abo he safeguards in place	out the safety prec e.	autions being taken during G	irand Jury
Please contact the Clerk exposure to COVID-19.	c immediately if befo	re Grand Jury serv	ice, you experience new sym	ptoms or
iarei man 40 monts bliot	to your report time. I	n the event that you	m your attendance and repor u do not hear from us by that your attendance and report d	+i
Please note that you are r of your appearance date experiencing any symptor	to confirm when and	d if vou should ani	vithin forty-eight (48) hours in Dear and to confirm that you IVID-19.	advance are not
Individual Excused	Yes No _			
If yes, reason Excused				.
If no, Assigned Date Assigned Report Time				

Spalding County Superior Court 132 E. Solomon Street Griffin, GA 30223

tchapman@spaldingcounty.com (770) 467-4746

CLERK - TRIAL JUROR SCRIPT

Date of Call:	Time of Call:	Staff Member Initials:
Confirm Name:		
Confirm Phone and	F	
Are you seeking to b	pe excused for any reason listed	on the summons? Yes No
Are you seeking to b	e excused for reasons related to	o COVID? Yes No
Are you a "vulnerab Yes	e person" or do you provide cus No	stodial or residential care for a "vulnerable person"?
anachying nealth tt	multions, such as high blood	who are over age 60, and individuals with serious pressure, chronic lung disease, diabetes, obesity, promised by chemotherapy or other treatments or
o If the	you wish to be excused or wish y want to be excused, they are ey want to serve, explain safegua tinue to additional questions.	to serve on grand jury? excused. ords and offer additional social distancing.
Have you been tested - If yes, wha	positive for COVID-19 in the las at is the last day that you tested	t 30 days? Yes No negative?
If you have tested posi updated as to when yo	tive in the last 30 days, but have ou plan to take another test.	e not yet had a negative test, please keep the Court
Have you been expose Yes No	d to anyone who has tested pos	sitive to COVID-19 in the 14 days?
- If yes, have	you been tested or had any syn	nptoms of COVID?
Do you feel ill or sick in Yes No	any way, or do you have any syi	mptoms of COVID-19?
(Symptoms include: feve headache, loss of taste of pressure, loss of speech	or smell, rash on skin, difficulty b	dness, aches and pains, sore throat, diarrhea, breathing or shortness of breath, chest pain or
		FYHIRIT

Have you received the COVID-19 vaccine? Yes If yes, date of first shot?	No Prefer not to answer Date of second shot?
Do you have any questions or concerns about the sa yes, explain the safeguards in place.	Ifety precautions being taken during Jury service? If
Please contact the Clerk immediately if before jury s to COVID-19.	service, you experience new symptoms or exposure
If we don't hear from you otherwise, we will contact y later than 48 hours prior to your report time. In the ev are required to contact us at the number listed above	Vent that you do not be a fire to the second
Please note that you are required to call the number list of your appearance date to confirm when and if you experiencing any symptoms of and have no known experience.	U chould appear and to or
Individual Excused Yes No	 :
If yes, reason Excused	
If no,	
Assigned Date Assigned Report Time	=

CLERK - TRIAL JUROR SCRIPT (SECOND PHONE CALL)

Date of Call:	Time of Call:	Staff Member Initials:
Confirm Name:		
Confirm Phone and Email		
Has the individual tested Yes No		ince they completed the questionnaire?
If yes, they areIf no, continue	e excused. to additional questions	ıs.
Has the individual been ex the questionnaire? Yes No	posed to anyone who h	has tested positive to COVID-19 since they complet
If yes, they areIf no, continue	excused. to additional questions.).
Does the individual feel ill completed the questionnair	er	do you have any symptoms of COVID-19 since the
(Symptoms include: fever of headache, loss of taste or sn pressure, loss of speech or n	ien, rasn on skin, gifficu	, tiredness, aches and pains, sore throat, diarrhea, ulty breathing or shortness of breath, chest pain or
If yes, they are eIf no, continue to	xcused. additional questions.	
Have you received the COVID If yes, date of first shot?	-19 vaccine? Yes	No Prefer not to answer Date of second shot?
Confirm appearance date and	time.	
Individual Excused	Yes No	
If yes, reason Excused	-	
CONTINUE		
CONFIRMED: Assigned Date Assigned Report Time		

CLERK - GRAND JURY SCRIPT (SECOND PHONE CALL)

Date of Call:	Time of Call:		Staff Member Initials:
Confirm Name:			
Confirm Phone and Er			*
Has the individual test	ed positive for COVID-19 sin		
	are excused. nue to additional questions.		
Has the individual been the questionnaire? Yes No	n exposed to anyone who h	as tested positi	ve to COVID-19 since they completed
	are excused. nue to additional questions.		
Does the individual fee completed the question	naire?	lo you have an	y symptoms of COVID-19 since they
(Symptoms include: feve headache, loss of taste o pressure, loss of speech	r smell, rash on skin, difficul	iredness, aches ty breathing or	and pains, sore throat, diarrhea, shortness of breath, chest pain or
- If yes, they a - If no, continu	re excused. le to additional questions.		
Have you received the CO If yes, date of first shot?	OVID-19 vaccine? Yes	No Date of seco	Prefer not to answer
Confirm appearance date	and time.		
Individual Excused	Yes No		
If yes, reason Excused			
CONFIRMED: Assigned Date Assigned Report Time		_	